

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P80845/WO/1	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/002165	International filing date (day/month/year) 04.03.2004	Priority date (day/month/year) 24.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant DAIMLERCHRYSLER AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002165

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-5 _____ received by this Authority on 24.01.2005 with letter
- nos.* _____ received by this Authority on of 18.01.2005
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002165

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2, 4, 5	YES
	Claims	1, 3	NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	This report makes reference to the following documents:		
	D1: US 2002/118282 A1 (NAKAMURA YOSHIYUKI) 29 August 2002		
	D2: US-B-6 535 2421 (MILLER RONALD HUGH ET AL) 18 March 2003		
	D3: EP-A-1 032 209 (YAZAKI CORP) 30 August 2000		
	D4: US 2002/003571 A1 (SCHOFIELD KENNETH ET AL) 10 January 2002		
	D5: US 2002/005999 A1 (MOUSSEAU RICK ET AL) 17 January 2002		
	D6: EP-A-1 083 076 (MAZDA MOTOR) 14 March 2001		
	D7: EP-A-1 004 916 (DONNELLY CORP) 31 May 2000		
	D8: US 2001/040534 A1 (ASAMI KEN ET AL) 15 November 2001		
	D9: US 2001/019482 A1 (INOUE TAKASHI ET AL) 6 September 2001		
2	<u>INDEPENDENT CLAIM 1</u>		
2.1	The present application does not meet the requirements of PCT Article 33(1) because the		

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). The reasons are:

2.1.1 D4 discloses all the features of claim 1 (the references in parentheses are to this document):

a process for switching on/off an image display of an automobile night vision system (paragraph 330), wherein the night vision system comprises an active infrared lighting system (paragraph 327), a camera for capturing infrared images (paragraph 383), an image display for displaying image information (paragraph 330), an evaluating means for evaluating operating parameters and/or environmental parameters in order to actuate the active infrared lighting system (paragraphs 330, 390) on the basis of this evaluation, wherein the image display can display image information from at least one further camera which is connected to the night vision system and more particularly is sensitive to light in the visible wavelength range, and wherein by means of the image display image information from the camera operating in the visible wavelength range is displayed if the active infrared lighting system is inactive (Paragraphs 376, 390).

2.1.2 D2 (column 2, line 51 to column 6, line 22, in particular column 6, lines 12-22, and figure 1) likewise discloses all the features of claim 1.

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
3	<p data-bbox="391 338 781 369"><u>DEPENDENT CLAIMS 2-5</u></p> <p data-bbox="391 443 1333 674">Dependent claims 2-5 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step. The reasons are:</p> <p data-bbox="272 747 1365 978">3.1 <u>Claim 2</u> pertains merely to one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive (see, for example, D3).</p> <p data-bbox="272 1052 1312 1125">3.2 All the features of <u>claim 3</u> are known from D2 (column 4, lines 59-64) and D4 (paragraph 330).</p> <p data-bbox="272 1199 1377 1430">3.3 <u>Claim 4</u>: this claim is unclear. In particular, the meaning of the expression "internal and external diagnostic systems" is unclear. It is also unclear how said systems can influence a control means or switch such as is described in claim 3.</p> <p data-bbox="396 1503 1317 1587">Claim 4 does not appear to involve an inventive step. The reasons are:</p> <p data-bbox="277 1661 1377 1934">3.3.1 D8 discloses that the image display is switched on following diagnosis based on data from the camera (paragraph 13). This means that actuation of the image display is influenced by an internal diagnostic system (associated with the night vision system).</p>

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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3.3.2 If the vehicle with the night vision system were delivered to the workshop, a workshop employee could also check image display function by actuating the control means or switch (external diagnostic system).

3.4 In claim 5 it is not clear whether, in the event of malfunction, the image display is dimmed or only the image from the camera is not displayed.

Claim 5 does not appear to involve an inventive step. The reasons are:

3.4.1 In the event that the power supply of the motor vehicle fails, the image display will in any case be deactuated owing to malfunction.

3.4.2 In the event that only the image from the camera should not be displayed, D3 discloses that, instead of the image from the camera, a warning is displayed on the image display (paragraph 45): that is, if image information is not constantly updated owing to malfunction, the image display is deactuated.

4 The subject matter of claims 1-5 is industrially applicable.